

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PFIZER INC.,

-against-

UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, et al.,

Defendants.

USDC SDNY  
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DATE FILED: 8/3/2020

1:20-cv-04920 (MKV)

ORDER

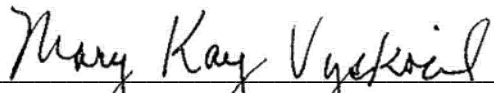
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff has requested that the Court order an incredibly expedited merits disposition of this case pursuant to Federal Rule of Civil Procedure 57. *See* ECF #25. However, Defendants have not appeared yet. Indeed, assuming they were properly served, Defendants' time to appear and respond to the Complaint does not pass until late August or early September. *See* Certificates of Service, ECF #19-24. Thus, the request for expedited review under Rule 57 must be denied as premature. While that rule authorizes the Court to order a "speedy hearing" of an action for declaratory relief, "[i]mplicit in [that rule] is the assumption that prior to such order for a speedy hearing, the matter in issue will have been joined by the filing of a responsive pleading." *Drinan v. Nixon* 364 F. Supp. 853, 854 (D. Mass. 1973), *aff'd* 502 F.2d 1158 (1st Cir. 1973); *see also Perry v. Correct Care Solutions, LLC*, No. 17-cv-586 (LO) (IDD), 2017 WL 11519168, at \*3 (E.D.Va. June 2, 2017).

Accordingly, Plaintiff's Motion at ECF #25 is DENIED.

**SO ORDERED.**

**Date: August 3, 2020**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**